

ORDINANCE NO. BL2019-_____

An ordinance amending Chapter 12.62 of the Metropolitan Code of Laws to prohibit powered or self-propelled scooters as shared urban mobility devices within the area of the Metropolitan Government of Nashville and Davidson County.

WHEREAS, the Metropolitan Government of Nashville and Davidson County has a fundamental responsibility to protect the public health, safety and welfare, to ensure safe passage on public rights-of-way, and to govern commerce in the public right-of-way; and

WHEREAS, the Metropolitan Government maintains the authority under state law and the Metropolitan Charter to regulate commerce and commercial equipment that uses the public rights-of-way; and

WHEREAS, the Metropolitan Government maintains the authority under state law and the Metropolitan Charter to regulate the operation of vehicles on the public right-of-way, including streets, roads, bike lanes, sidewalks, and other thoroughfares; and

WHEREAS, a study released in May 2019 by the Centers for Disease Control and Prevention examined scooter-related injuries in Austin, Texas between September 5, 2018, and November 30, 2018 -- finding that nearly half, or 48%, of those injured sustained head injuries, and 15% suffered a traumatic brain injury; and

WHEREAS, in Nashville and Davidson County, the Nashville Fire Department responded to 74 scooter-related accidents during the period from January 1 through April 30, 2019 -- 43 of which occurred during the month of April alone; and

WHEREAS, Vanderbilt University Medical Center's trauma center and emergency department have reported approximately one major traumatic brain injury per month and one to two injuries to patients' faces, arms, or legs per day as a result of scooter accidents. As of February 2019, Vanderbilt had treated over two hundred fifty patients injured in scooter accidents. Saint Thomas Midtown's emergency department has reported two to three scooter injuries per eight-hour shift; and

WHEREAS, on May 19, 2019, a 26-year-old Nashville resident tragically died as a result of injuries sustained after he was struck by a vehicle while riding a scooter; and

WHEREAS, from September 2018 to April 2019, HubNashville received over 630 complaints related to scooters, including the illegal operation of scooters on sidewalks and improperly parked scooters -- activities which pose significant risks to pedestrians and which thwart compliance with the Americans with Disabilities Act; and

WHEREAS, the Metropolitan Nashville Police Department has publicly acknowledged the difficulty, if not impossibility, of enforcing scooter regulations, even when violations occur in a police officer's presence; and the dedication of additional resources to scooter enforcement would require a significant reallocation of limited MNPd resources; and

WHEREAS, the Metropolitan Council has determined that, in the interest of public health, safety and welfare, it is necessary to prohibit the operation of electric scooters as shared urban mobility devices (SUMDs) within the area of the Metropolitan Government of Nashville and Davidson County; and

NOW, THEREFORE, BE IT ENACTED BY THE METROPOLITAN COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. Section 12.62.010 of the Metropolitan Code is hereby amended by adding the following provision at end of the definition of Urban Mobility Device:

"Further, powered or self-propelled scooters shall not be considered a UMD for purposes of this chapter."

Section 2. Section 12.62.030 of the Metropolitan Code is hereby amended by deleting subsection 3 in its entirety and renumbering the remaining subsection accordingly.

Section 3. Chapter 12.62 of the Metropolitan Code is hereby amended by adding the following new Section 12.62.110:

12.62.110 Self-propelled scooters prohibited.

No operator shall be allowed to place, or cause to be placed, any powered or self-propelled scooter within the public right-of-way. Powered or self-propelled scooters shall not be permitted as part of a SUMD system within the area of the metropolitan government.

Section 4. This ordinance shall take effect from and after its adoption, the welfare of the Metropolitan Government requiring it.

INTRODUCED BY:

Steve Glover

Fabian Bedne
Members of Council